

27 June 2001

Updated as of 16 January 2003

Legal Services

TRADOC Government Ethics Program

Summary. This regulation implements Office of Government Ethics (OGE) and Department of Defense (DOD) policy by prescribing procedures and guidance for the effective administration of the U.S. Army Training and Doctrine Command (TRADOC) Government Ethics Program.

Applicability. This regulation applies to Headquarters, TRADOC, and to all TRADOC commands, schools, and activities.

Supplementation. Supplementation of this regulation is not authorized. Local implementing guidance and procedures may be published.

Suggested Improvements. The proponent of this regulation is the TRADOC Staff Judge Advocate. Send comments and suggested improvements on DA Form 2028, (Recommended Changes to Publications and Blank Forms) through channels to Commander, TRADOC, ATTN: ATJA, 11 Bernard Road, Fort Monroe, VA 23651-1007. Suggested improvements may also be submitted using DA Form 1045 (Army Ideas for Excellence Program (AIEP) Proposal).

Availability. This publication is available on the TRADOC Homepage at <http://www.tradoc.army.mil>.

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Chapter 1 Introduction

1-1. Purpose. To establish policy, procedures, and guidance for the effective administration of the TRADOC Government Ethics Program.

1-2. References. Appendix A contains the required and related publications and forms.

1-3. Explanation of abbreviations. Abbreviations used in this regulation are contained in the glossary.

1-4. Responsibilities. TRADOC commands, schools, activities, and staff elements will ensure that the policies of this regulation are implemented in their organizations.

Chapter 2 Ethics Program Administration

2-1. General. All TRADOC employees must comply with section 2635.101, title 5, Code of Federal Regulations ([5 CFR 2635.101](#)); the Joint Ethics Regulation (JER), [DOD 5500.7-R](#); and all other applicable statutory and regulatory ethical requirements. The TRADOC Government Ethics Program ensures command-wide compliance with these requirements. Pursuant to a delegation by the U.S. Army Designated Agency Ethics Official, The Judge Advocate General (TJAG) has appointed the TRADOC Staff Judge Advocate (SJA) as the TRADOC Ethics Counselor ([TJAG Memorandum](#)). As described below, the TRADOC SJA hereby appoints primary subordinate ethics counselors to assist in the administration of the program.

a. HQ, TRADOC. The Chief, Military and Administrative Law Division (MALD), Office of the SJA, is appointed as the primary subordinate ethics counselor and program administrator for HQ, TRADOC. Chief, MALD will ensure that HQ, TRADOC has an effective ethics program in place, all training and reporting requirements are met, and all missions and functions are accomplished within an ethical environment. By memorandum of appointment, the TRADOC SJA may appoint additional subordinate ethics counselors for HQ TRADOC as needed to assist Chief, MALD.

b. TRADOC commands. The senior legal officer of TRADOC commands is hereby appointed as the primary ethics counselor and program administrator for their respective installations and/or commands. Each primary ethics counselor will ensure their organization has an effective ethics program in place, all training and reporting requirements are met, and all missions and functions are accomplished within an ethical environment. Pursuant to this appointment, primary ethics counselors have authority to:

(1) Appoint subordinate ethics counselors with the responsibilities set out in [DOD 5500.7-R](#), §1-412, elsewhere in the JER, and as set forth below. The authority to appoint subordinate ethics counselors may not be redelegated. Appointments will be made by memorandum with a copy furnished to the subordinate ethics counselor and a copy retained in the local ethics files.

(2) Issue written opinions to current and former Department of Defense (DoD) employees concerning the applicability of section 423, title 41, United States Code ([41 USC 423](#)) and other post-Government employment restrictions.

(3) Issue other written ethics opinions to current and former DoD employees concerning limitations on outside employment and affiliations ([5 CFR 2636.103](#)) and other standards of ethical conduct issues ([5 CFR 2635.107](#)).

(4) Act as reviewing officials for [SF 278](#) (Executive Branch Personnel Public Financial Disclosure Report) and [OGE FORM 450](#) (Executive Branch Confidential Financial Disclosure Report) for filers within their respective organizations.

(5) Require and receive information from and coordinate and work with Inspectors General, personnel offices, and administrative offices to accomplish the functions set out in [DOD 5500.7-R](#), subsections 1-412 through 1-416.

(6) Provide necessary coordination and concurrence, if appropriate, when the approval of the acceptance of payment from a non-Federal source for travel expenses under 31 USC 1353

requires conflict of interest analysis ([41 CFR 304-1-5](#)).

(7) Provide necessary notices and instructions to filers of Public Financial Disclosure Reports and Confidential Financial Disclosure Reports ([DOD 5500.7-R](#), subsections 7-202 and 7-302, respectively).

(8) Authorize training material in accordance with (IAW) [DOD 5500.7-R](#), subsection 11-200, to accomplish the JER training mission.

(9) File all required reports with HQ, TRADOC and/or Department of the Army Standards of Conduct Office (DA SOCO) (see app B, para B-4).

2-2. Financial disclosure. TRADOC supervisors and ethics counselors must be keenly aware of potential conflicts of interest, which may prevent their subordinates from impartially performing official duties (see [OGE Rules Regarding Avoidance of Conflicting Financial Interest, 18 USC 208](#)). To this end, certain TRADOC employees must file confidential financial disclosure reports [OGE FORM 450](#) or public financial disclosure reports [SF 278](#).

a. Confidential financial disclosure reporting.

(1) Required filers. A TRADOC employee, in the grade of GS-15 or the rank of Colonel or below, must file a confidential financial disclosure report if their supervisor determines that the employee meets the criteria of [DOD 5500.7-R](#), subsection 7-300. All affected supervisors and TRADOC primary ethics counselors will ensure that these covered positions are reviewed annually to limit the number of OGE Form 450 filers IAW [Secretary of the Army \(SA\) Exclusion Policy](#).

(2) Date of filing. All TRADOC OGE Form 450 annual filers will submit their report no later than (NLT) 30 November each year for the period covering the preceding fiscal year (1 October through 30 September). New TRADOC employees who are required to file a confidential financial disclosure report, or current employees who have assumed a new duty position that requires them to now file a report, will do so NLT 30 days after assuming the covered position. This OGE Form 450 new entrant report will cover the 12-month period immediately prior to assumption of the position. TRADOC primary ethics counselors will ensure that a system is in place to identify and track these new entrants. TRADOC primary and subordinate ethics counselors may grant extensions of these deadlines IAW [DOD 5500.7-R](#), subsection 7-303c.

(3) Optional form use. TRADOC annual filers may choose to file [OGE FORM 450-A](#) instead

of the [OGE FORM 450](#), if they have acquired no new interests during the fiscal year. They must attach a copy of their previously filed OGE Form 450. Note that every fourth year, beginning in the year 2000, annual filers may not file the OGE Form 450-A. Rather, they must file the full OGE Form 450.

(4) Form retention. Each confidential financial disclosure report will be retained for a period of 6 years, then destroyed. However, reports may be retained longer than 6 years if needed for an investigation or an ethics enforcement action.

(5) Reports to HQ, TRADOC. TRADOC primary ethics counselors will ensure that their command files the Annual Confidential Financial Disclosure Consolidated Status Report with the HQ, TRADOC SJA NLT 10 December each year. There is no format for this report. It may be filed by memorandum or electronically at ATJA@monroe.army.mil. It must contain the following information: total number of persons required to file an annual OGE Form 450; number of individuals who have filed as of 30 November; names and positions of those individuals who have not filed as of 30 November; and reason these individuals have not filed. Finally, it must include the status of any written requests for filing extensions and anticipated date of the late filing.

b. Public financial disclosure reporting [SF 278](#).

(1) Required filers. All TRADOC general officers and Senior Executive Service (SES) personnel will file a Public Financial Disclosure Report IAW [DOD 5500.7-R](#) subsection 7-200a.

(2) Date of filing. New entrant SF 278 filers, TRADOC general officers and SES personnel who have never filed an SF 278, will do so NLT 30 days after assuming their new position and/or new rank/grade. Thereafter, these new entrants will file annually. TRADOC annual SF 278 filers will file their report NLT 15 May each year for the preceding calendar year. Termination SF 278 filers will file a termination report NLT 30 days after leaving their position. TRADOC primary and subordinate ethics counselors may grant extensions to these deadlines IAW [DOD 5500.7-R](#) subsection 7-203e.

(3) Reviewers. TRADOC primary ethics counselors will ensure that all SF 278's filed by personnel within their command are reviewed. All reports requiring HQ, TRADOC action will be forwarded to HQ, TRADOC Office of the SJA NLT 1 June. Filers and ethics counselors are encouraged to forward such reports as early as possible to ensure efficient processing and timely transmittal to DA SOCO.

c. Ethics training plan. TRADOC primary ethics counselors will ensure that an effective written ethics training plan is in place containing the criteria listed in 5 CFR 2638.706. This plan will be prepared annually (NLT 31 December) to cover the next calendar year. The plan will be maintained in the local ethics files and available for inspection.

2-3. Gifts to visiting TRADOC general officers. TRADOC general officers often visit and conduct official business at TRADOC commands, schools and activities to which they are not assigned. Periodically, visited commands present gifts to these general officers after speeches, luncheons or other official ceremonies. Due to the large number of these visits, gifts to these visiting officers, regardless of value, should not be presented. However, this does not discourage gifts based on a personal relationship, in recognition of retirement or due to other events, which terminate a senior subordinate relationship or the visiting officer's service within TRADOC.

2-4. Acceptance of travel-related gifts and benefits within TRADOC.

a. Authority. TRADOC employees may accept travel-related gifts and benefits from non-federal entities in certain limited circumstances.

b. Circumstances of acceptance.

(1) 31 USC 1353. TRADOC may accept certain approved travel-related gifts and benefits pursuant to 31 USC 1353, [DOD 5500.7-R](#), chapter 4, the Joint Federal Travel Regulation ([JFTR](#)), the Joint Travel Regulation ([JTR](#)), SA Travel Policy, and TRADOC Regulation ([TR](#)) 37-2. Individual travelers shall report, in writing, acceptance of such gifts and benefits exceeding \$250.00 per event. The report will be filed with their ethics counselor within 30 days of completion of the travel. Each primary ethics counselor will ensure that acceptance of travel related gifts is reported directly to DA SOCO semiannually using [SF 326](#). This report may be filed electronically at soco@hqda.army.mil. Reports for gifts received during the period 1 April to 30 September must be received at DA SOCO NLT 1 November. Reports of gifts received between 1 October and 31 March are due NLT 1 May. A copy of this report will be simultaneously forwarded to HQ, TRADOC Office of the SJA at atja@monroe.army.mil.

(2) Widely attended gatherings. TRADOC employees may accept unsolicited gifts of free attendance and other benefits at widely attended gatherings IAW 5 CFR 2635.204(g). The appropriate approval authority must make a determination

that such acceptance is in TRADOC's interest (see [TRADOC Delegation of Private Organization Meeting Authority](#)).

c. Blanket determinations of agency interest. The Commander, TRADOC and TRADOC commanders may periodically issue a blanket determination of agency interest regarding certain private organization events. This determination may be used in conjunction with acceptance of travel-related benefits under paragraph 2-4b(1) or b(2) above. (See also [TRADOC Delegation of Private Organization Meeting Authority](#)). Appendix C contains the current blanket determinations issued by Commander, TRADOC.

Appendix A References

Section I Required Publications

DODD [4500.43](#)
Operational Support Airlift (OSA)

DOD [4500.36-R](#)
Management, Acquisition, and Use of Motor Vehicles

DOD [4515.13-R](#)
Air Transportation Eligibility

DOD [5500.7-R](#)
Joint Ethics Regulation

DoDI [1000.15](#)
Private Organizations on DoD Installations

[SA Travel Policy](#)

Title 18, United States Code (USC)

Title 31, USC

Title 41, USC

5 CFR 2635.107

5 CFR 2636.101

5 CFR 2638.706

[41 CFR 304-1-5](#)

[Joint Federal Travel Regulation](#) (Uniformed Services)

[Joint Travel Regulation](#) (DoD Civilian Employees)

[DOD Guidance on Innovative Readiness Training](#)

Federal Acquisition Regulation ([FAR](#))

AR [58-1](#)
Management, Acquisition, and Use of Administrative Use Motor Vehicles

AR [95-1](#)
Flight Regulations

[TRADOC Reg 37-2](#)
Temporary Duty Travel Policies and Procedures

[TRADOC Reg 37-3](#)
Government Travel Card Program

Section II Related Publications

[DoDD 4500.36](#)
Management, Acquisition, and Use of Motor Vehicles

Defense Federal Acquisition Regulation Supplement ([DFARS](#))

Army Federal Acquisition Regulation Supplement ([AFARS](#))

[Ethics Counselor's Deskbook 2001](#)

Section III Referenced Forms

[SF 278](#)
[Executive Branch Personnel Public Financial Disclosure Report](#)

SF 326
Semiannual Report of Payments Accepted from a Non-federal Source

[OGE Form 450](#)
[Executive Branch Confidential Financial Disclosure Report](#)

[OGE Form 450-A](#)
[Confidential Certificate of No New Interests \(Executive Branch\)](#)

Appendix B Selected Ethics Resources and Guidance

B-1. Duties of the ethics counselor. The duties and responsibilities of the government ethics counselor are detailed in [DOD 5500.7-R](#), subsection

1-412. Further guidance is located in chapters A and Q of the [Ethics Counselor's Deskbook 2001](#) (See also, [DOD SOCO website](#) and U.S. Office of Government Ethics ([USOGE website](#))).

B-2. Private organizations. TRADOC ethics counselors must be keenly aware of the numerous issues surrounding the activities of private organizations on DoD Installations. The current regulatory guidance on these activities is contained in [DODI 1000.15](#). (Also see the [Ethics Counselor's Deskbook 2001](#), chap I, and [DOD 5500.7-R](#), chap 3). Regarding relations with private organizations and attendance at private organization conferences and meetings, (see [TRADOC Delegation of Private Organization Meeting Authority](#)).

B-3. Government transportation and travel.

a. Use of Government motor vehicles and air assets within TRADOC is limited to official purposes and shall be predicated on need, distance, and other conditions that justify their use (DoD 4500.36-R; and ARs 58-1 and 95-1).

b. Sources of policy guidance.

(1) Official use of non-tactical vehicles.

(a) DoD guidance: [DOD 4500.36-R](#)

(b) Army guidance: [AR 58-1](#); [SA Travel Policy](#)

(c) Attendance at official ceremonies: AR 58-1

(d) Use during temporary duty: AR 58-1

(e) Spouse use: AR 58-1; [SA Travel Policy](#)

(2) Use of military air (milair) assets.

(a) DoD guidance: [DODD 4500.43](#); [DOD 4515.13-R](#)

(b) Army guidance: [SA Travel Policy](#); AR 95-1

(c) TRADOC guidance: [TR 37-2](#)

(d) Invitational Travel Orders (ITOs): [TR 37-2](#); JFTR/JTR, appendix E

(e) Contractor use of milair assets: JFTR/JTR appendix E; section 31.205-46, part 31, Federal Acquisition Regulation ([FAR 31.205-46](#)); [DOD 4515.13-R](#)

(f) [Air Travel Analysis Worksheet](#)

(3) Benefits received during official travel.

(a) Travel coupons: [JFTR](#); [JTR](#); [TR 37-2](#); [DOD 5500.7-R](#), chapter 4

(b) Frequent flier miles: [DOD 5500.7-R](#), chapter 4; [SA Travel Policy](#)

(c) Travel upgrades: [DOD 5500.7-R](#), chapter 4.

(4) Use of government travel card: [TR 37-3](#)

(5) Distribution of Morale, Welfare and Recreation tickets to major events. (DA message, DTG: 120855Z MAR 01 subject: Distribution of Tickets to Major Events)

B-4. Required reports. Each TRADOC primary ethics counselor will ensure the reports listed in table B-1 are transmitted to HQ, TRADOC and/or DA SOCO NLT the date specified.

Table B-1. Required reports

Report Title	Format	Nature	Due to HQ, TRADOC/DA SOCO
Annual Confidential Financial Disclosure Status Report (OGE Form 450)	Memorandum or Electronic	OGE Form 450 filers and those failing to file by 30 Nov	HQ, TRADOC NLT 10 Dec
Annual OGE Ethics Survey	Memorandum or Electronic	Confidential/Public Disclosure Report filers, ethics training conducted, and enforcement actions	HQ, TRADOC NLT 20 Dec
Public Financial Disclosure Reports	SF 278	General officer/SES financial disclosures	DA SOCO NLT 15 Jul or if required to HQ, TRADOC NLT 1 Jun
Fall 31 USC 1353 (Covering period from 1 Apr to 30 Sep)	SF 326	Details receipt of travel-related gifts and benefits from non-Federal entities	DA SOCO NLT 1 Nov; copy furnished to HQ, TRADOC
Spring 31 USC 1353 (covering period from 1 Oct to 31 Mar)	SF 326	Details receipt of travel-related gifts and benefits from non-federal entities	DA SOCO NLT 1 May; copy furnished to HQ, TRADOC

Appendix C

TRADOC Commander Blanket Determinations



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND
102 MCNAIR DRIVE
FORT MONROE VIRGINIA 23651-1047

ATJA

3 January 2003

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Blanket Determination and Approval for the Association of the United States Army (AUSA) Winter Symposium & Exhibition, 26-28 Feb 03

1. In accordance with applicable ethics and travel regulations, I have determined that attendance of TRADOC personnel at the 2003 AUSA Winter Symposium & Exhibition will further TRADOC programs and is in the interests of The Army.

2. Accordingly, TRADOC personnel may participate in the AUSA Winter Symposium & Exhibition under the following conditions:

a. If approved by the appropriate commander or supervisor, personnel may attend events in an official duty status, as an excused absence, or while on leave, in accordance with travel regulations and local policy.

b. Personnel may accept unsolicited offers of free attendance, food, refreshments, entertainment, instruction, and materials furnished to all attendees as an integral part of the event. This approval includes acceptance of similar unsolicited offers to their invited spouses, if spouses will generally accompany other attendees.

c. Personnel generally may not accept entertainment or meals offered other than in a group setting with other attendees, or other items valued at more than \$20 from any one source. Exception to this rule should be coordinated with supervisors and ethics counselors.

d. Personnel who serve AUSA or one of its chapters as an officer, director, employee, or who have a "covered relationship" with AUSA must seek separate approval from their supervisors, in coordination with their ethics counselor.

e. Personnel who wish to attend the AUSA Golf Tournament or other collateral recreational events must do so in their personal capacities, while off duty, and at their own expense.

3. I further determine that TRADOC personnel attending in an official duty status may accept travel, lodging, and related

ATJA

SUBJECT: Blanket Determination and Approval for the Association of the United States Army (AUSA) Winter Symposium & Exhibition, 26-28 Feb 03

benefits from AUSA, and I approve acceptance of such gifts on behalf of The Army.

a. I have determined that acceptance of these travel benefits would not cause a reasonable person with knowledge of all the relevant facts to question the integrity of The Army's programs or operations. I have considered any impact the performance or nonperformance of the DoD employee's official duties might have on AUSA or its members.

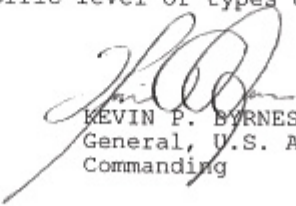
b. This approval does not include acceptance of travel or accommodations for a spouse unless that travel has also been approved in accordance with the Secretary of the Army memorandum, subject: Policy for Travel by DA Officials, dated 5 November 2001.

c. Attendees may not accept cash payment of travel benefits. Benefits accepted must either be in kind or by check or similar instrument made payable to the U.S. Treasury or U.S. Army. If the total value of benefits accepted on behalf of The Army (including expenses paid for an accompanying spouse) exceeds \$250, attendees must submit a report to their ethics counselor within 30 days of the event (enclosed).

4. This determination and approval is made in accordance with the JER, DoD 5500.7-R, paras 4-100 and 4-101; JFTR, Chapter 7, Part W, paras U7900-08; JTR, Chapter 4, Part Q, paras C4900-08; 5 C.F.R. secs 2635.204(g) and 2635.502; and 31 U.S.C. sec 1353.

5. This memorandum does not constitute Army or TRADOC endorsement of AUSA or of this particular event, nor does it constitute approval of specific level of types of support.

Encl


KEVIN P. BYRNES
General, U.S. Army
Commanding

DISTRIBUTION:

Commander
U.S. Army Combined Arms Center
U.S. Army Combined Arms Support Command
U.S. Army Accessions Command
TRADOC Centers
(CONT)

ATJA

SUBJECT: Blanket Determination and Approval for the Association
of the United States Army (AUSA) Winter Symposium & Exhibition,
26-28 Feb 03

DISTRIBUTION: (CONT)

Commandants, TRADOC Service Schools

Director

U.S. Army Nuclear and Chemical Agency
U.S. Army Aeronautical Services Agency
U.S. Army TRADOC Analysis Center

Deputy Chiefs of General and Chiefs of Special Staff Offices,
HQ TRADOC

REPORT OF PAYMENT OF TRAVEL & RELATED EXPENSES
ACCEPTED FROM NON-FEDERAL SOURCES
(31 U.S.C. SECTION 1353)

Employee's Name:
Command/Organization:
Employee's Position:
Spouse's Name (if applicable):

EVENT for which more than \$250
in travel and related expenses were received

Nature/Title of Event:
Sponsor:
Location:
Dates : From: To:

TYPE OF DONATION

Donating Organization: _____
 Total Amount: \$ _____
 Amount of Payment in-kind: For Employee: \$ _____ For Spouse: \$ _____
 Itemized Expenses:
 Hotel: \$ _____
 Airline: \$ _____
 Meals: \$ _____
 Other: \$ _____

"I certify that statements on this report are true, complete, and correct to the best of my knowledge."

Name _____
Date of Signature _____
Rank/Title _____

SUBMIT REPORT TO YOUR ETHICS COUNSELOR WITHIN 30 DAYS OF TRAVEL

Ethics Counselor Printed Name and Signature
Date of Signature

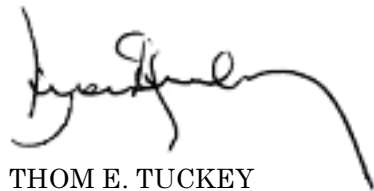
Encl

Glossary

AR	Army regulation	milair	military aircraft
CFR	Code of Federal Regulations	NLT	no later than
DA SOCO	Department of Army Standards of Conduct Office	OGE	Office of Government Ethics
		SA	Secretary of the Army
DoD	Department of Defense	SES	Senior Executive Service
DoDI	Department of Defense Instruction	SF	standard form
IAW	in accordance with	SJA	Staff Judge Advocate
ITO	invitational travel order	TJAG	The Judge Advocate General
JER	Joint Ethics Regulation	TR	TRADOC regulation
JFTR	Joint Federal Travel Regulation	TRADOC	U.S. Army Training and Doctrine Command
JTR	Joint Travel Regulation	U.S.C.	United States Code
MALD	Military and Administrative Law Division	USOGE	U.S. Office of Government Ethics

FOR THE COMMANDER:

OFFICIAL:



THOM E. TUCKEY
Colonel, GS
Deputy Chief of Staff
for Information Management

JOHN B. SYLVESTER
Major General, GS
Chief of Staff